

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

AMERICAN CIVIL LIBERTIES UNION  
OF NORTHERN CALIFORNIA,

Plaintiff,

v.

DEPARTMENT OF JUSTICE,

Defendant.

Case No. [13-cv-03127-MEJ](#)

**ORDER RESCHEDULING HEARING  
AND DIRECTING PARTIES TO FILE  
JOINT STATEMENT**

Re: Dkt. Nos. 35, 36

Pending before the Court are the parties' cross-motions for summary judgment regarding Plaintiff's Freedom of Information Act request. Dkt. Nos. 35 & 36. In the course of briefing their motions, the parties have commendably resolved many of their disputes. However, in doing so, the record is now somewhat unclear as to which precise materials are still in dispute. To clarify the record, the Court ORDERS the parties to meet and confer and thereafter file a joint statement by February 17, 2015 clarifying the materials still in dispute. The joint statement must contain, but is not limited to: (1) the CRM bates number for each disputed document; (2) the *Vaughn* Index's corresponding description of that document; and (3) the exemption claimed for the document, as labeled in the *Vaughn* Index, *e.g.*, "(b)(5)(AWP)."

Additionally, having carefully reviewed the parties' current submissions, the Court now ORDERS Defendant to file no more than two additional declarations or affidavits clarifying and supporting its position on its claimed exemptions for the materials identified in the parties' joint statement. *See Pollard v. F.B.I.*, 705 F.2d 1151, 1154 (9th Cir. 1983) (the court may require the government to submit more detailed public affidavits before resorting to *in camera* review of the documents; "[b]y doing so, the district court will insure that the record made is 'as complete a public record as is possible'"). Plaintiff may also file a declaration or affidavit clarifying its

1 position as to the materials identified in the parties' joint statement. All such  
2 declarations/affidavits must be filed by February 17, 2015.

3 In light of the above, the hearing set for February 5, 2015 is hereby vacated and  
4 rescheduled for March 5, 2015 at 10:00 a.m. in Courtroom B, 15th Floor, 450 Golden Gate  
5 Avenue, San Francisco, CA 94102.

6 **IT IS SO ORDERED.**

7  
8 Dated: February 3, 2015

9  
10   
11 \_\_\_\_\_  
12 MARIA-ELENA JAMES  
13 United States Magistrate Judge  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28